

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Franklin Robinson a/k/a Franklin M.  
Robinson,

Petitioner,

v.

State of South Carolina; Warden of United  
States Penitentiary, Terre Haute, Indiana,

Respondents.

Case No. 8:19-cv-03397-SAL

**ORDER**

This matter is before the court for review of the February 11, 2020 Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.) (“Report”). In the Report, the Magistrate Judge recommends summary dismissal of the Petition without requiring Respondents to file an answer or return. [ECF No. 17.] Attached to the Report is the Notice of Right to File Objections. *Id.* No party filed objections to the Report, and the time for filing has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report [ECF No. 17], and incorporates the Report by reference herein. Accordingly, this action is **DISMISSED** without requiring the Respondent to file an answer or return.

**IT IS SO ORDERED.**

/s/ Sherri A. Lydon  
United States District Judge

July 22, 2020  
Florence, South Carolina